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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Jermaine Jordan, ) No. CV-11-2272-PHX-ROS (LOA)  
10 Plaintiff, )  
11 vs. ) **ORDER**  
12 )  
13 Charles L. Ryan, et al., )  
14 Defendant. )  
15 \_\_\_\_\_)

16 This matter arises before the Court on Defendants' Motion to Strike Plaintiff's Motion  
17 of Reply to Defendants' Answer, doc. 43. (Doc. 44)

18 **I. Background**

19 Plaintiff filed a pro se Prisoner Civil Rights Complaint on November 18, 2011,  
20 pursuant to 42 U.S.C. § 1983. (Doc.1) Plaintiff alleged only one claim for relief, *i.e.*, that his  
21 Eighth Amendment rights were violated when Defendants failed to protect him from being  
22 raped by another inmate. (Doc. 8 at 3) After the mandatory screening process pursuant to  
23 28 U.S.C. § 1915A(a), the Court ordered that Defendants Morgan and Moore answer the  
24 complaint. (*Id.* at 3) The Court dismissed the remaining defendants. (*Id.*) Defendants  
25 Morgan and Moore answered the complaint on August 29, 2012. (Doc. 42) On September  
26 5, 2012, Plaintiff filed a document entitled Motion to Reply to Defendants Answer. (Doc.  
27 43) It is that document that Defendants wish to have the Court strike.  
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1     **II. Analysis**

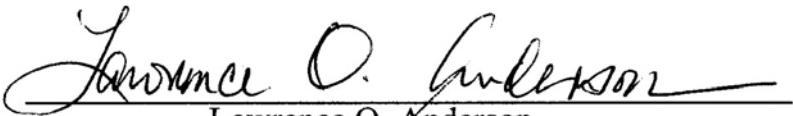
2              Defendants moved to strike Plaintiff's Reply on the ground that a reply to an answer  
3 is not permitted under the Federal Rules of Civil Procedure, unless the Court orders that one  
4 be filed. Fed. R. Civ. P. 7(a)(7). The rule sets forth the only pleadings that are allowed.  
5 Subsection (7) specifically states that a reply to an answer is only permitted if the court  
6 orders one. (*Id.*)

7              Plaintiff does not allege, nor does the docket reflect, that the Court ordered a reply to  
8 Defendants' answer. Therefore, under Rule 7(a)(7) of the Federal Rules of Civil Procedure,  
9 it is an impermissible pleading and the Court will strike it from the record.

10             Accordingly,

11             **IT IS ORDERED** that Defendants' Motion to Strike Plaintiff's Motion of Reply to  
12 Defendants' Answer, doc. 44, is **GRANTED**. The Clerk of Court is kindly directed to strike  
13 doc. 43 from the record.

14             Dated this 27<sup>th</sup> day of September, 2012.

15               
16             Lawrence O. Anderson

17             United States Magistrate Judge

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